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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,978	09/20/2000	A. Maxwell Eliscu	46983/101	8336
26371	7590	02/08/2007	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			BORLINGHAUS, JASON M	
			ART UNIT	PAPER NUMBER
			3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/666,978	ELISCU, A. MAXWELL
	Examiner	Art Unit
	Jason M. Borlinghaus	3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 – 19, 25 – 29, 31 – 35, 37, 40 – 43, 46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 – 19, 25 – 29, 31 – 35, 37, 40 – 43, 46 and 48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REOPENED PROSECUTION

In view of the Appeal Brief filed on 8/15/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Objections

Claim 18 objected to because of the following informalities: unclear claim language. Claim 18 states "tracking relationships resulting from referral (sellers)." Examiner is unclear whether the "sellers" in parentheses is indicating a synonym for "referral" or whether such parenthetical inclusion should be interpreted as an "and" or "or." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 19, 25 – 29, 31 – 35, 37, 40 – 43, 46 and 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeBrun (US Patent 5,191,525) in view of Barnes (US Patent 5,970,475).

Regarding Claim 1, LeBrun discloses a method of providing an integrated financial and transaction management services system over a network, the method comprising:

- aggregating commercial transaction information (images, statistics and business data) including images to a central server computer (storage management subsystem/storage subsystem) configured to be accessed by a remote device (interface work stations/host computers), the commercial transaction information (business data) being associated with

- a commercial transaction (business transactions). (see abstract; col. 5, lines 18 – 22; col. 7, lines 15 – 18; figure 1, identifier 14);
- communicating (sending) the commercial transaction information (business records) between the central server computer (database) and the remote device (host computer system). (col. 22, lines 8 – 13); and
 - displaying commercial transaction information (business data) on a user interface at the remote device (interface work stations/host computers), for an end-user to access (extract data from the database), manage (data/document manipulation), modify (data/document manipulation), maintain (store data), and conclude their commercial transactions (automatically process the transaction based upon data). (see col. 5, lines 18 – 22; col. 15, line 14 – col. 16, line 2; col. 22, lines 7 – 16).

LeBrun does not explicitly teach a method in which a seller and a buyer have access to such a system. However, Examiner asserts that LeBrun's discussion of accessing information via a workstation by "human operators" (see abstract) reads on both buyers and sellers.

In the alternative, Barnes discloses an integrated financial and transaction management services system over a network, the method comprising:

- displaying commercial transaction information (procurement of goods/services) on a user interface (User Interface) at a remote device (User Workstation) for a buyer (customer) and a seller (supplier) to access (send/receive), manage (manage), modify (record), maintain (archive),

and conclude (process) their transactions. (see abstract; col. 3, lines 5 – 26; col. 11, lines 10 – 12; col. 12, lines 20 – 30; col. 25, lines 41 – 54)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified LeBrun by incorporating the ability of buyers and sellers, the two key parties to a commercial transaction, to access and interact with information concerning a possible transaction, as disclosed by Barnes, allowing parties to better analyze, monitor and control information pertinent to possible commercial transactions.

Regarding Claims 2 - 9, LeBrun discloses a method further comprising:

- providing access to ancillary commercial transaction information (white mail) to facilitate management, modification, maintenance, and conclusion of commercial transactions. (see col. 9, lines 53 – 57);
- communicating the ancillary commercial transaction information (captured white mail) to the remote device (interface work stations/host computers);
- displaying ancillary commercial transaction information (information in support of customer inquiries) on a user interface (graphical display) at the remote device (interface work stations/host computers). (see col. 22, lines 40 – 49);
- providing the remote device (interface work stations/host computers) with access to the ancillary commercial transaction information on an external server computer (interface work stations/host computers);

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- receiving paper-based commercial transaction information (forms and supporting pages), converting the paper-based commercial transaction information into an electronic format (digital data) and storing the received commercial transaction information in the central server computer (storage management subsystem/storage subsystem). (see abstract; fig. 1);
- wherein the commercial transaction information comprises an invoice (billing statement). (see col. 14, lines 23 - 36);
- wherein the ancillary commercial transaction information (white mail) comprises other information necessary to manage, maintain, and conclude commercial transactions (such as address changes, complaints, instructions, etc.). (see col. 9, lines 53 – 57); and
- wherein the step of aggregating commercial transaction information comprises linking commercial transaction information (referencing documents) to the associated commercial transaction (by a transaction identifier) to the account to the accounts of a buyer or seller (individual or account) that are parties to the commercial transaction. (see col. 9, lines 59 – 62; 14, lines 23 – 37).

LeBrun does not teach the receipt of electronic commercial transaction information.

Barnes discloses a method further comprising:

- the receipt of electronic commercial transaction information (purchase order and sales invoice). (see fig. 5);

It would be obvious to one of ordinary skill in the art at the time the invention was made to have modified LeBrun and Barnes by incorporating the ability to receive electronic commercial transaction information, as disclosed by Barnes, in addition to paper-based commercial transaction information, as disclosed by LeBrun, for those parties that desired to reap the speed and efficiency of electronic communication of commercial information over the slower, yet traditional, paper-based communication methods.

Regarding Claims 10 – 13, Claims 10 - 13 recite similar limitations and/or would have been obvious based upon Claims 1 - 9 rejected above, and are therefore rejected using the same art and rationale as applied in the rejection of Claims 1 - 9.

Regarding Claims 14 – 15, LeBrun does not teach facilitating the commercial transactions with an accounting system located at the remote device; nor performing operations involving a marketplace of any one of a Buyer, a Seller, a financial institution, and a company.

Barnes discloses a method further comprising:

- facilitating the commercial transactions with an accounting system (accounting module) located at the remote device. (see fig. 21 – 22; col. 5, lines 48 – 56); and
- performing operations (purchases) involving a marketplace of any one of a buyer, a seller (suppliers), a financial institution, and a company (suppliers). (see fig. 4);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified LeBrun and Barnes by incorporating an accounting system and involving multiple parties in operations, including a financial institution, as disclosed by Barnes, allowing for completion of the transaction within the networked environment, as LeBrun already states "it may be most effective to pay a simple [submitted transaction] if it is within a model of an acceptable claim, rather than take the time for a human professional to spend time judging the merits of the claim." (see col. 22, lines 14 – 20).

Regarding Claims 16 – 18, LeBrun discloses a method further comprising:

- performing end-user operations comprising any one of commercial transaction management (handling large volumes of form based business transactions). (see abstract); and
- performing end-user operations comprising providing information to modify (correcting/changing) content in the integrated financial and transaction management services system. (see col. 21, lines 37 –41).

LeBrun does not explicitly teach a method in which a seller, a buyer or a financial institution perform such functions. However, Examiner asserts that LeBrun's discussion of accessing information via a workstation by "human operators" (see abstract) reads on buyers, sellers and financial institutions.

In the alternative, Barnes discloses a method further comprising:

- performing buyer operations comprising any one of vendor management (establishing preferred suppliers). (see fig. 14 & 16; col. 24, lines 51 – 52);

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- performing seller operations comprising any one buyer management (identify specific customers for reduced prices). (see col. 25, lines 19 – 23); and
- at least one operation performed by the financial institution comprising retrieving data (bank account data) on buyers transacting business with sellers (such as for settlement processing).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified LeBrun and Barnes by incorporating buyer, seller and financial institution operations, as disclosed by Barnes, for the very benefits enumerated by Barnes (see col. 24, line 13 – col. 25, line 25).

Regarding Claims 19 and 25 – 26, Claims 19 and 25 - 26 recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or such claim limitations are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Regarding Claim 27, neither LeBrun nor Barnes disclose paper-based payments, although LeBrun discusses handling of paper-based business transactions and Barnes discusses the benefits of moving away from a paper based system by disclosing electronic payments. However, Examiner takes Official Notice that paper-based payments, such as by check or paper money, is old and well known in the art of business transactions and commerce. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified LeBrun and Barnes

by incorporating the ability to process paper-based payments, as is old and well known in the art, for while such a payment method may lack the speed and efficiency of electronic payments, its incorporation would allow for the inclusion of business transactions among those parties that prefer to utilize traditional paper-based payment methods.

Regarding Claims 28 – 29, 31 - 35, 37, 40 – 43, 46 and 48, Claims 28 – 29, 31 - 35, 37, 40 – 43, 46 and 48 recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or such claim limitations are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



2/5/07
James Kramer